IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 380 OF 2003

The Andheri New Kapaswadi Juhu
Co-operative Housing Society Ltd. ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr. U.G. Kerkar with Mr. V.A.Jadhav, counsel for Petitioner

Mr.D.A. Patil, A.G.P.for Respondent Nos. 1, 4 & 8.

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CORAM: B. H. MARLAPALLE, J.

DATED: 26TH APRIL, 2005

P. C.:-

1. By order dated 22.1.2002 passed in Criminal Writ Petition No. 1393 of 2001, this Court had given direction to execute search warrants dated 12.5.1999 and 22.9.2000 against the four respondents therein. It was further directed that the house of Mr. Ajit Sharma and other places where the records of the society were placed should also be searched and handed over to Prakash Kadam, Chairman and Laxman Shivaji Patel, Secretary to the respondent society. It is alleged that the said order has not been complied with and there is wilful disobedience on the part of the respondent No.5 therein i.e. the Senior Police Inspector, D.N. Nagar Police Station.

2. An affidavit in reply has been filed by Mr. Pradeep Pandurang Suryawanshi, Inspector of the said police station and it has been stated that the search were made by the then Senior Inspector of Police and Assistant Inspector of Police. The premises searched were the Maharashtra Electrical and Hardware Stores, Andheri and the record of the Society that could be traced was taken charge off. The detailed report of the action taken was submitted to the Sub Divisional Magistrate and Sub Divisional Officer, Mumbai Sub Urban District. The record was handed over to the Administrator Shri. V.B. Joshi.

3. On the face of this affidavit in reply, there is no case made out to take cognizance of this contempt petition within the meaning of Section 2(b) of the Contempt of Courts Act, 1971 and therefore, the contempt petition is rejected summarily.

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